IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6143 OF 2005

Ashoka Infra Pvt. Ltd. ...Petitioner.
Vs.
The State of Maharashtra. ...Respondents.
....
Mr. R.S. Apte with Mr. N. R. Bubna for the Petitioner.
Mrs. S.S. Bhende, AGP for the Respondents.
.....

CORAM : F.I. REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

October 3, 2005.

P.C.

Rule. Heard forthwith.

In the affidavit filed on behalf of the Respondents, it is pointed out in para 2 that if there be reduced Bank rate, the concession period which is to have expired on 3rd December 2005 can be reduced. It is pointed out that the Respondents have worked out the cash flow and in those terms, the concession period is reduced to 19th August 2005. Admittedly, no notice was given to the Petitioner before reduction of such concession period.

Minutes of the order signed on behalf of the Petitioner and the Respondents are taken on record and marked 'X' for

identification. The petition is disposed of in terms of the Minutes of Order. It is made clear that the Minutes of the Order are subject to whatever order that may be passed by the Respondents in terms of clause 3.7.11 after hearing the Petitioner.

Whatever dispute the Respondents may have in the matter of loss caused to them, can be the subject matter of an arbitral dispute. All contentions raised in the petition are kept open for the Tribunal to be decided on merits.

Rule made absolute in these terms. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)